

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Bail Appl..No. 906 of 2007()

C.R.NO.11/07 OF CHERTHALA EXCISE RANGE

: PETITIONER/1ST ACCUSED

VINODLAL @ MONICHAN,
S/O. RAVEENDRAN, THEKKECHIRRA HOUSE,
MAYATHARA MARKET P.O., CHERTHALA SOUTH VILLAGE.

BY ADV. SRI.G.JANARDHANA KURUP (SR.)
SRI.B.VINOD
SRI.E.C.BINEESH

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
EXCISE RANGE INSPECTOR, CHERTHALA RANGE.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.906 OF 2007

DATED THIS THE 15TH DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in CR.No.11/07 of Cherthala Excise Range for offences punishable under sections 55(a) and 58 of the Abkari Act for storing 288 litres of rectified spirit in Vijnanodayam Library at Thiruvizha near Cherthala junction on 6.2.2007, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that the contraband spirit was stored by the petitioner or that it cannot be said that the petitioner had exclusive control over the Library from where the contraband spirit was recovered.

4. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed bearing in mind the decision reported in **Sukumari v. State of Kerala (2001 (1) KLT 22).**

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn